

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
3

4 John Michael Dunn,

5 Petitioner

6 v.

7 Nevada Supreme Court, et al.,

8 Respondents

2:17-cv-00921-JAD-VCF

**Order Denying as Moot Applications to  
Proceed In Forma Pauperis and  
Dismissing and Closing Case**

[ECF No. 1, 3]

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10 John Michael Dunn has filed an application to proceed *in forma pauperis* and a petition for a  
11 writ of mandamus.<sup>1</sup> Dunn seeks a “Federal Intervening Injunction” in his pending criminal  
12 prosecution in Nevada’s Eighth Judicial District Court.<sup>2</sup> I screen Dunn’s petition under the Prison  
13 Litigation Reform Act (PLRA),<sup>3</sup> dismiss this case, deny the IFP applications as moot, and direct the  
14 Clerk to close this case.

15 Dunn asserts that the Las Vegas Metropolitan Police Department launched a corrupt  
16 investigation against him and that the state courts have turned a “blind eye” and shown preferential  
17 treatment to the prosecuting attorney in his state criminal case. He attaches an “appeal” of his  
18 Nevada state district court and Supreme Court cases, and he requests an injunction to “obtain  
19 verification of” all warrants issued in his criminal case.<sup>4</sup> According to the Eighth Judicial District  
20 Court’s website, of which I take judicial notice, Dunn is currently facing 79 felony charges.<sup>5</sup> His  
21 trial is set to begin on June 1, 2017.

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24 <sup>1</sup>ECF No. 1.

25 <sup>2</sup>ECF No. 3.

26 <sup>3</sup> See 28 U.S.C. § 1915(e).

27 <sup>4</sup> ECF No. 1-3 at 1; ECF No. 3 at 11.

28 <sup>5</sup> <https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=11492581>.

1 Under the United States Supreme Court's decision in *Younger v. Harris*, a federal court may  
2 not interfere with ongoing state criminal proceedings absent extraordinary circumstances.<sup>6</sup> *Younger*  
3 abstention is appropriate when (1) state judicial proceedings are pending; (2) the state proceedings  
4 involve important state interests; and (3) the state proceedings afford adequate opportunity to raise  
5 the constitutional issue.<sup>7</sup> Only in cases of proven harassment or prosecutions undertaken by state  
6 officials in bad faith without hope of obtaining a valid conviction have courts found federal  
7 injunctive relief against pending state prosecutions appropriate.<sup>8</sup> All of the requirements for *Younger*  
8 abstention are present here, and Dunn has not shown that any extraordinary circumstances justify  
9 federal court intervention in his pending state criminal prosecution.

10 Accordingly,

11 IT IS HEREBY ORDERED that this action is **DISMISSED**, and Dunn's applications to  
12 proceed *in forma pauperis* [ECF Nos. 1, 3] are **DENIED as moot**.

13 IT IS FURTHER ORDERED that the Clerk of Court is directed to CLOSE THIS CASE.

14 Dated this 18th day of April, 2017.

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16 Jennifer A. Dorsey  
17 United States District Judge  
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24 <sup>6</sup> *Younger v. Harris*, 401 U.S. 37, 44 (1971); *Middlesex Cty Ethics Comm'n v. Garden State Bar*  
25 *Ass'n*, 457 U.S. 423, 431 (1982).

26 <sup>7</sup> *Middlesex Cty*, 457 U.S. at 432; *Dubinka v. Judges of the Superior Court*, 23 F.3d 218, 223 (9th  
27 Cir. 1994).

28 <sup>8</sup> *Carden v. Montana*, 626 F.2d 82, 83–84 (9th Cir. 1980), *cert denied*, 449 U.S. 1014 (1980) (citing  
*Perez v. Ledesma*, 401 U.S. 82, 85 (1971)).